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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,556	10/12/2005	Shawn Fowler	THAS126531	6653
26389 7590 10/12/2007 CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			EXAMINER O HERN, BRENT T	
			ART UNIT 1794	PAPER NUMBER
			MAIL DATE 10/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/552,556	Applicant(s) FOWLER ET AL.	
	Examiner Brent T. O'Hern	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/17/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rue (US 6,048,129).

Regarding claim 1, Rue ('129) teaches a rubber access mat (See FIG-12, #10 and col. 6, ll. 12-21.), comprising: a rubber slab having opposed side edges defining a width and opposed end edges defining a length (See FIGs 12 and 1, #10 and col. 6, ll. 12-21.);

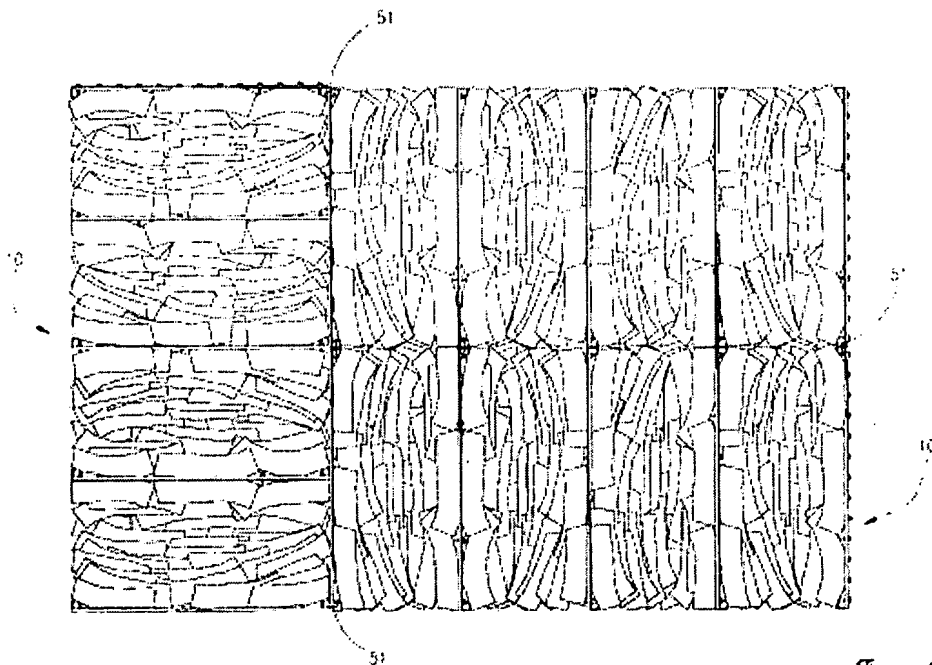
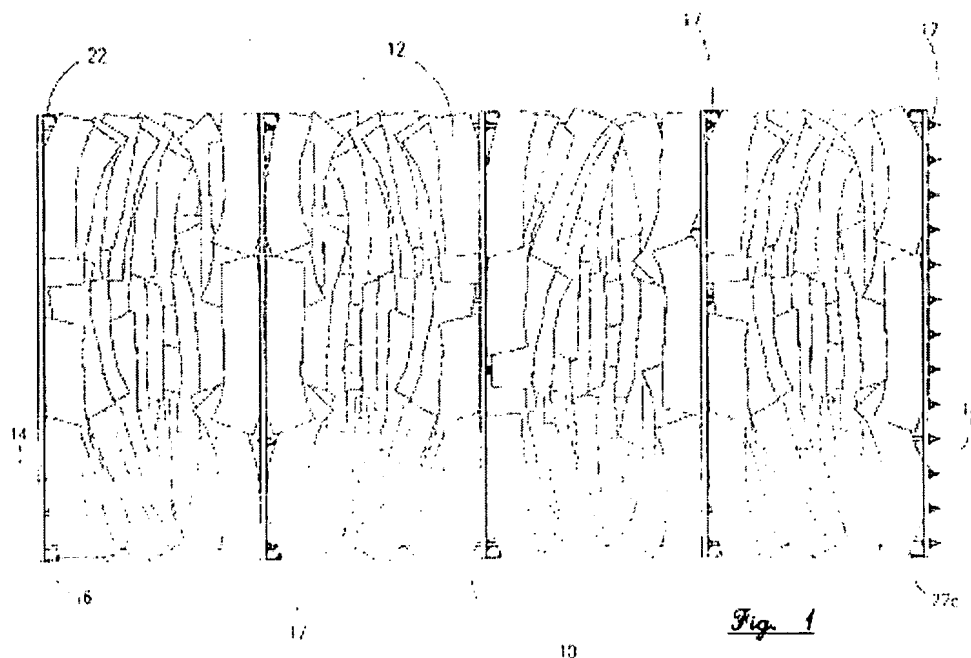
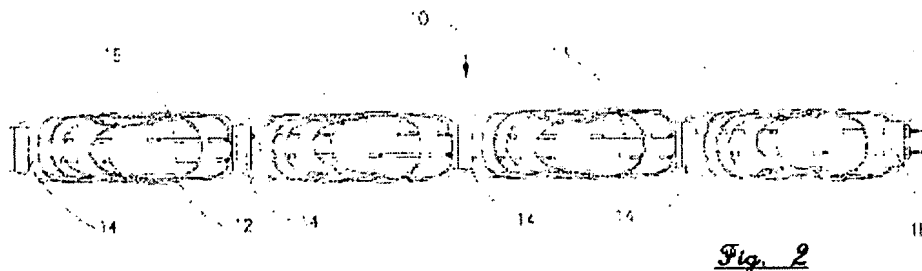


Fig. 12

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a rigidifying grid of reinforcing wire embedded within the rubber slab and consisting of a plurality of parallel spaced wires extending between the opposed side edges for most of the width of the rubber slab and a plurality of parallel spaced wires extending between the opposed end edges for most of the length of the rubber slab (See FIG-12 and 2 and col. 6, ll. 12-21 and col. 3, ll. 63-67, parallel spaced wire #16 and #14 extending between the sides and end edges.); however, fails to expressly disclose the reinforcing wire being not less than number ten gauge wire.



However, it would have been obvious to a person having ordinary skill in the art at the time Applicant's invention was made through routine optimization to vary the

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dimensions of the wires in order provide a mat that has the desired mechanical strength and is suitable for use as a mat. Furthermore, Applicant has not disclosed any criticality as to any particular geometric dimension of the wire.

Therefore, it would have been obvious to one having ordinary skill in the art at the time Applicant's invention was made to provide a mat with the above dimensions and spacing in order to provide a mat suitable for the intended use.

Regarding claim 2, Rue ('129) teaches the mat discussed above, however, fails to expressly disclose wherein the wire is steel.

However, Rue ('129) teaches wherein the reinforcing wire is made of metal (See *col. 2, ll. 57-61.*) for the purpose holding together the rubber members (See *col. 2, ll. 57-61.*). Furthermore, it is well known to a person of ordinary skill in the art at the time Applicant's invention was made that steel is a type of metal and steel is a widely used reinforcing material.

Therefore, it would have been obvious to one having ordinary skill in the art at the time Applicant's invention was made to use steel as a reinforcing material in order to hold the rubber members together.

Regarding claim 3, Rue ('129) teaches wherein the rubber slab is made from recycled vehicular tires (See *col. 3, ll. 66-67.*):

Regarding claim 4, Rue ('129) teaches wherein the wires extending between the opposed side edges and the wires extending between the opposed end edges are the same gauge of wire (See *FIG-1 wherein #16 are clearly of the same gauge wire.*).

Regarding claim 5, Rue ('129) teaches wherein the wires extending between the opposed side edges and the wires extending between the opposed end edges are the

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different gauges of wire (*See FIG-1 wherein #16 and #14 are clearly of different gauges.*).

Regarding claim 6, Rue ('129) teaches wherein the wires extending between the opposed side edges and the wires extending between the opposed end edges have the same relative spacing (*See FIGs 12 and 1 wherein #16 have the same spacing since they are the same mats oriented transversely to each other.*).

Regarding claim 7, Rue ('129) teaches wherein the wires extending between the opposed side edges and the wires extending between the opposed end edges have different relative spacing (*See FIGs 1 and 12 wherein #14 and #16 have different spacing.*).

Regarding claims 8-10, Rue ('129) teaches the mat discussed above, however, fails to expressly disclose wherein the wires extending between the opposed side edges have a number six/(ten) gauge and a relative spacing of approximately two inches and the wires extending between the opposed end edges have a number three/(six)/(ten) gauge and a relative spacing of approximately three/(two) inches.

However, it would have been obvious to a person having ordinary skill in the art at the time Applicant's invention was made through routine optimization to vary the dimensions and spacing of the wires in order provide a mat that has the desired mechanical strength and is suitable for use as a mat.

Therefore, it would have been obvious to one having ordinary skill in the art at the time Applicant's invention was made to provide a mat with the above dimensions and spacing in order to provide a mat suitable for the intended use.


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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent T. O'Hern whose telephone number is (571) 272-0496. The examiner can normally be reached on Monday -Thursday, 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Brent T O'Hern
Examiner
Art Unit 1794
September 30, 2007


NASSER AHMAD
PRIMARY EXAMINER 10/10/07